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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.164 OF 2007
IN
REG. DARKHAST NO.328 OF 2005
WITH
CIVIL APPLICATION NO.240 OF 2007

Sandeep Balkrishna Jindal ...Appellant
V/s.
Anju Nemichand Jain @ Jindal ...Respondent

Mrs.Veena Thadani, Advocate, for the Appellant.

Ms.Rajani Iyer, Sr. Advocate, with Ms.Anusiya Das, for the Respondent.

CORAM : J.N. PATEL &
A.A. SAYED, JJ.

DATE : 17TH SEPTEMBER, 2007.

P.C. :

1. A preliminary objection has been raised. The Appeal as preferred is not maintainable. The learned Counsel for the appellant submits that it may be treated as a revision.

2. Heard. It is contended by the learned Counsel for the applicant-husband that in spite of the best of efforts, due to non co-operation of the respondent-wife, the Consent Terms could not be complied with insofar as the same relate to providing shelter to her.

3. We have gone through the impugned order and

find that the fault actually lies at the doorstep of the applicant. Impugned order does not suffer from any illegality nor there is an error apparent on the face of record. On the other hand, it reiterates what has been decided by the Court on the parties arriving at Consent Terms after due mediation in the matter by Mr.Rafique Dada, Senior Advocate of this Court.

4. It appears that the appellant is merely dragging his feet to comply with terms of decree. There is no merit in the Revision Application. Hence the same is dismissed in limini.

5. In view of the dismissal of the Appeal treated as Revision, Civil Application does not survive and the same stands disposed of accordingly.

[A.A. SAYED, J.] **[J.N. PATEL, J.]**